

1 ***-1019/5.71* SECTION 1476.** 49.497 (1) (b) of the statutes is amended to read:

2 49.497 (1) (b) The department's right of recovery is against any Medical
3 Assistance or Badger Care recipient to whom or on whose behalf the incorrect
4 payment was made. The extent of recovery is limited to the amount of the benefits
5 incorrectly granted. ~~The county department under s. 46.215 or 46.22 or the~~
6 governing body of a federally recognized American Indian tribe administering
7 Medical Assistance or Badger Care ~~shall~~ may begin recovery actions on behalf of the
8 department according to rules promulgated by the department.

9 ***-1019/5.72* SECTION 1477.** 49.497 (2) (a) of the statutes is renumbered 49.497
10 (2) and amended to read:

11 49.497 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a
12 federally recognized American Indian tribe may retain 15% of benefits provided
13 under this subchapter or s. 49.665 that are recovered under this section due to the
14 efforts of an employee or officer of the county or tribe.

15 ***-1019/5.73* SECTION 1478.** 49.497 (2) (b) of the statutes is repealed.

16 ***-1156/1.1* SECTION 1479.** 49.68 (3) (b) of the statutes is amended to read:

17 49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je),
18 the state shall pay ~~the cost of~~, at a rate determined by the department under par. (e),
19 for medical treatment that is required as a direct result of chronic renal disease of
20 certified patients from the date of certification, including ~~the cost of~~ administering
21 recombinant human erythropoietin to appropriate patients, whether the treatment
22 is rendered in an approved facility in the state or in a dialysis or transplantation
23 center ~~which~~ that is approved as such by a contiguous state, subject to the conditions
24 specified under par. (d). Approved facilities may include a hospital in-center dialysis
25 unit or a nonhospital dialysis center ~~which~~ that is closely affiliated with a home

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1 dialysis program supervised by an approved facility. Aid shall also be provided for
2 all reasonable expenses incurred by a potential living-related donor, including
3 evaluation, hospitalization, surgical costs, and postoperative follow-up to the extent
4 that these costs are not reimbursable under the federal medicare program or other
5 insurance. In addition, all expenses incurred in the procurement, transportation,
6 and preservation of cadaveric donor kidneys shall be covered to the extent that these
7 costs are not otherwise reimbursable. All donor-related costs are chargeable to the
8 recipient and reimbursable under this subsection.

9 ***-1156/1.2* SECTION 1480.** 49.68 (3) (e) of the statutes is amended to read:

10 49.68 (3) (e) ~~State aids~~ Payment for services provided under this section shall
11 be equal to at a rate determined by the department that does not exceed the allowable
12 charges under the federal Medicare program. In no case shall state rates for
13 individual service elements exceed the federally defined allowable costs. The rate
14 of charges for services not covered by public and private insurance shall not exceed
15 the reasonable charges as established by ~~medicare~~ Medicare fee determination
16 procedures. A person that provides to a patient a service for which aid is provided
17 under this section shall accept the amount paid under this section for the service as
18 payment in full and may not bill the patient for any amount by which the charge for
19 the service exceeds the amount paid for the service under this section. The state may
20 not pay for the cost of travel, lodging, or meals for persons who must travel to receive
21 inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall
22 not apply to donor related costs as defined in par. (b).

23 ***-1325/2.1* SECTION 1481.** 49.688 (2) (a) 6. of the statutes is created to read:

24 49.688 (2) (a) 6. The person applies for and, if eligible, enrolls in Medicare
25 under Part D of Title XVIII of the federal Social Security Act, 42 USC 1395w-101 to

1 1395w-153, if the secretary of the federal department of health and human services
2 approves the condition on eligibility under this subdivision.

3 ***-1325/2.2* SECTION 1482.** 49.688 (2) (b) of the statutes is amended to read:

4 49.688 (2) (b) A person to whom par. (a) 1. to 3. ~~and, 5., and 6.~~ applies, but whose
5 annual household income, as determined by the department, exceeds 240% of the
6 federal poverty line for a family the size of the persons' eligible family, is eligible to
7 purchase a prescription drug at the amounts specified in sub. (5) (a) 4. only during
8 the remaining amount of any 12-month period in which the person has first paid the
9 annual deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at
10 the retail price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

11 ***-1019/5.74* SECTION 1483.** 49.77 of the statutes is renumbered 49.39, and

12 49.39 (6), as renumbered, is amended to read:

13 49.39 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer
14 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the
15 administration of eligibility determinations and benefits payments.

16 ***-1019/5.75* SECTION 1484.** 49.775 of the statutes is renumbered 49.395, and

17 49.395 (2) (a), (b), (bm) and (e) 1., as renumbered, are amended to read:

18 49.395 (2) (a) The custodial parent is a recipient of supplemental security
19 income under 42 USC 1381 to 1383c or of state supplemental payments under s.
20 ~~49.77~~ 49.39, or both.

21 (b) If the dependent child has 2 custodial parents, each custodial parent
22 receives supplemental security income under 42 USC 1381 to 1383c or state
23 supplemental payments under s. ~~49.77~~ 49.39, or both.

24 (bm) The custodial parent assigns to the state any right of the custodial parent
25 or of the dependent child to support from any other person accruing during the time

1 that any payment under this subsection is made to the custodial parent. No amount
2 of support that begins to accrue after the individual ceases to receive payments under
3 this section may be considered assigned to the state. Seventy-five percent of all
4 money that is received by the department ~~of children and families~~ under an
5 assignment to the state under this paragraph shall be paid to the custodial parent.
6 The department ~~of children and families~~ shall pay the federal share of support
7 assigned under this paragraph as required under federal law or waiver.

8 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he
9 or she receives supplemental security income under 42 USC 1381 to 1383c or state
10 supplemental payments under s. ~~49.77~~ 49.39.

11 ***-1019/5.76* SECTION 1485.** 49.776 of the statutes is renumbered 49.396 and
12 amended to read:

13 **49.396 Payment of support arrears.** If a custodial parent who formerly
14 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer
15 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state
16 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right
17 of the dependent child to support from any other person, the department shall pay
18 to the custodial parent all money in support arrears that is collected by the
19 department after the custodial parent's receipt of payments under s. 49.775, 2009
20 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving
21 those payments.

22 ***-1195/2.31* SECTION 1486.** 49.78 (1) (b) of the statutes is amended to read:

23 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
24 program under subch. IV of ch. 49, the Badger Care health care program under s.

49.665, ~~the food stamp program under 7 USC 2011 to 2036~~, or the cemetery, funeral, and burial expenses program under s. 49.785.

***-1019/5.77* SECTION 1487.** 49.78 (1) (bm) of the statutes is created to read:

49.78 (1) (bm) "Income maintenance worker" means a person employed by or under a contract with the department or a tribal governing body whose duties include determining eligibility for income maintenance programs.

***-1019/5.78* SECTION 1488.** 49.78 (1) (f) of the statutes is created to read:

49.78 (1) (f) "Unit" means the income maintenance administration unit.

***-1019/5.80* SECTION 1489.** 49.78 (1m) of the statutes is created to read:

49.78 (1m) ESTABLISHMENT OF UNIT. The department shall establish an income maintenance administration unit under s. 15.02 (3) (c) 3. to administer income maintenance programs in this state, except as provided in s. 49.825 (2). Administration of income maintenance programs includes the following:

(a) Receiving applications.

(b) Determining eligibility.

(c) Conducting fraud investigation and fraud prevention activities.

(d) Implementing error reduction procedures.

(e) Recovering overpayments of benefits.

***-1019/5.79* SECTION 1490.** 49.78 (1m) (intro.) of the statutes, as created by 2011 Wisconsin Act (this act), is amended to read:

49.78 (1m) (intro.) The department shall establish an income maintenance administration unit under s. 15.02 (3) (c) 3. to administer income maintenance programs in this state, ~~except as provided in s. 49.825 (2)~~. Administration of income maintenance programs includes the following:

***-1019/5.81* SECTION 1491.** 49.78 (1p) of the statutes is created to read:

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49.78 (1p) INCOME MAINTENANCE ADMINISTRATION UNIT CONTRACTS. The department may contract with a public or private entity to provide the income maintenance administrative services described in sub. (1m). A contract to provide income maintenance administrative services under this section is exempt from subch. IV of ch. 16.

***-1019/5.82* SECTION 1492.** 49.78 (1r) of the statutes is created to read:

49.78 (1r) ADMINISTRATION BY A TRIBAL GOVERNING BODY. A tribal governing body may administer income maintenance programs by electing to have the unit administer the tribe's income maintenance programs or by providing the required administrative services and entering into a contract with the department for reimbursement under sub. (2).

***-1019/5.83* SECTION 1493.** 49.78 (2) of the statutes is amended to read:

49.78 (2) CONTRACTS WITH A TRIBAL GOVERNING BODY. Annually, for the income maintenance administrative program functions, if any, that the department delegates to a ~~county or~~ tribal governing body, ~~the department and county department under s. 46.215, 46.22, or 46.23 shall enter into a contract, and the~~ department and tribal governing body may enter into a contract, for reimbursement of the ~~county department or~~ tribal governing body for the reasonable cost of administering income maintenance programs.

***-1019/5.84* SECTION 1494.** 49.78 (4) of the statutes is renumbered 49.19 (19g)

(a) and amended to read:

49.19 (19g) (a) ~~RULES; MERIT SYSTEM.~~ The department of children and families shall promulgate rules for the efficient administration of aid to families with dependent children in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The

provisions of this ~~section~~ subsection relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel. This ~~subsection~~ paragraph shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

***-1019/5.85* SECTION 1495.** 49.78 (5) of the statutes is renumbered 49.19 (19g) (b) and amended to read:

49.19 (19g) (b) ~~PERSONNEL EXAMINATIONS.~~ Statewide examinations to ascertain qualifications of applicants in any county department administering aid to families with dependent children shall be given by the administrator of the division of merit recruitment and selection in the office of state employment relations. The office of state employment relations shall be reimbursed for actual expenditures incurred in the performance of its functions under this ~~section~~ subsection from the appropriations available to the department of children and families for administrative expenditures.

***-1019/5.86* SECTION 1496.** 49.78 (6) (title) of the statutes is repealed.

***-1019/5.87* SECTION 1497.** 49.78 (6) of the statutes is renumbered 49.19 (19g) (c).

***-1019/5.88* SECTION 1498.** 49.78 (7) of the statutes is renumbered 49.19 (19g) (d) and amended to read:

49.19 (19g) (d) ~~COUNTY PERSONNEL SYSTEMS.~~ Pursuant to rules promulgated under ~~sub. (4) par. (a),~~ the department of children and families where requested by the county shall delegate to that county, without restriction because of enumeration, any or all of the authority of the department of children and families under ~~sub. (4) par. (a)~~ to establish and maintain personnel standards including salary levels.

***-1019/5.89* SECTION 1499.** 49.78 (8) (a) of the statutes is amended to read:

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49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435 (4) ~~(bn)~~ (bm) and (nn) and subject to par. (b), the department shall reimburse each ~~county and~~ tribal governing body that contracts with the department under sub. (2) for reasonable costs of administering the income maintenance programs, including conducting fraud prevention activities. The amount of each reimbursement paid under this paragraph shall be calculated using a formula based on workload within the limits of available state and federal funds under s. 20.435 (4) ~~(bn)~~ (bm) and (nn) by contract under sub. (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a ~~county or~~ tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

***-1019/5.90* SECTION 1500.** 49.78 (8) (b) of the statutes is amended to read:

49.78 (8) (b) The department may adjust the amounts determined under par. (a) for workload changes and computer network activities performed by a ~~county or~~ tribal governing body and may reduce the amount of any reimbursement if federal reimbursement is withheld due to audits, quality control samples, or program reviews.

***-1019/5.91* SECTION 1501.** 49.78 (10) (title) of the statutes is amended to read:

49.78 (10) (title) ~~COUNTY~~ TRIBAL GOVERNING BODY CERTIFICATION.

***-1019/5.92* SECTION 1502.** 49.78 (10) (a) of the statutes is amended to read:

49.78 (10) (a) ~~Each county treasurer and director of a county department under s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and each~~ Each tribal governing body that contracts with the department under sub. (2) shall certify monthly under oath to the department in such manner as the department prescribes the claim of the ~~county or~~ tribal governing body for state reimbursement

1 under sub. (8) (a). The department shall review each claim of reimbursement and,
2 if the department approves the claim, the department shall certify to the department
3 of administration for reimbursement to the ~~county or~~ tribal governing body for
4 amounts due under sub. (8) (a) and payment claimed to be made to the ~~counties or~~
5 tribal governing bodies monthly. The department may make advance payments
6 prior to the beginning of each month equal to one-twelfth of the contracted amount.

7 ***-1019/5.93* SECTION 1503.** 49.78 (10) (b) of the statutes is amended to read:

8 49.78 (10) (b) To facilitate prompt reimbursement, the certificate of the
9 department may be based on the certified statements of the ~~county officers or~~ tribal
10 governing body executives filed under par. (a). Funds recovered from audit
11 adjustments from a prior fiscal year may be included in subsequent certifications
12 only to pay ~~counties~~ tribal governing bodies owed funds as a result of any audit
13 adjustment. By September 30 annually, the department shall submit a report to the
14 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out
15 during the previous calendar year as a result of audit adjustments.

16 ***-1019/5.94* SECTION 1504.** 49.785 (1) (intro.) of the statutes is amended to
17 read:

18 49.785 (1) (intro.) Except as provided in sub. (1m) ~~and subject to s. 49.825~~, if
19 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is
20 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
21 recipient, the department or county or applicable tribal governing body or
22 organization responsible for burial of the recipient shall pay, to the person
23 designated by the department or county department under s. 46.215, 46.22, or 46.23
24 or applicable tribal governing body or organization responsible for the burial of the
25 recipient, all of the following:

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1 ***-1019/5.95* SECTION 1505.** 49.785 (1) (intro.) of the statutes, as affected by
2 2011 Wisconsin Act (this act), is amended to read:

3 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient specified in
4 sub. (1c) dies and the estate of the deceased recipient is insufficient to pay the
5 funeral, burial, and cemetery expenses of the deceased recipient, the department ~~or~~
6 ~~county~~ or applicable tribal governing body or organization responsible for burial of
7 the recipient shall pay, to the person designated by the department ~~or county~~
8 ~~department under s. 46.215, 46.22, or 46.23~~ or applicable tribal governing body or
9 organization responsible for the burial of the recipient, all of the following:

10 ***-1019/5.96* SECTION 1506.** 49.785 (1c) (a) of the statutes is amended to read:

11 49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,
12 49.39, or 49.46, or 49.77, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

13 ***-1019/5.97* SECTION 1507.** 49.785 (1m) (a) of the statutes is amended to read:

14 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
15 the department ~~or county~~ or applicable tribal governing body or organization
16 responsible for burial of the recipient is not required to make a payment for the
17 cemetery expenses under sub. (1) (a).

18 ***-1019/5.98* SECTION 1508.** 49.785 (1m) (b) of the statutes is amended to read:

19 49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed
20 \$4,500, the department ~~or county~~ or applicable tribal governing body or organization
21 responsible for burial of the recipient is not required to make a payment for funeral
22 and burial expenses under sub. (1) (b).

23 ***-1019/5.99* SECTION 1509.** 49.785 (1m) (c) of the statutes is amended to read:

24 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
25 months after the death of the recipient, the department ~~or county~~ or applicable tribal

governing body or organization responsible for burial of the recipient is not required to make a payment for cemetery, funeral, or burial expenses.

***-1019/5.100* SECTION 1510.** 49.785 (2) of the statutes is amended to read:

49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department shall reimburse a county or applicable tribal governing body or organization for any amount that the county or applicable tribal governing body or organization is required to pay under sub. (1) if the county or applicable tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department shall reimburse a county or applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for a person described under sub. (1) that the county or applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department approves the reimbursement due to unusual circumstances and if the county or applicable tribal governing body or organization complies with sub. (3).

***-1019/5.101* SECTION 1511.** 49.785 (2) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

49.785 (2) From the appropriation under s. 20.435 (4) (br), the department shall reimburse ~~a county or~~ an applicable tribal governing body or organization for any amount that the ~~county or~~ applicable tribal governing body or organization is required to pay under sub. (1) if the ~~county or~~ applicable tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) (br), the department shall reimburse ~~a county or~~ an applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for a person described under sub. (1) that the ~~county or~~ applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department

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1 approves the reimbursement due to unusual circumstances and if the ~~county or~~
2 applicable tribal governing body or organization complies with sub. (3).

3 ***-1019/5.102* SECTION 1512.** 49.785 (3) (intro.) of the statutes is amended to
4 read:

5 49.785 (3) (intro.) As a condition for reimbursement under sub. (2) for amounts
6 paid on behalf of a deceased recipient, ~~a county or an~~ applicable tribal governing
7 body or organization shall provide to the department all of the following information
8 with respect to the deceased recipient:

9 ***-1019/5.103* SECTION 1513.** 49.785 (3) (c) of the statutes is amended to read:
10 49.785 (3) (c) The total amount of each of the expenses under pars. (a) and (b)
11 that the ~~county or~~ tribal governing body or organization paid on behalf of the
12 deceased recipient.

13 ***-1195/2.32* SECTION 1514.** 49.79 (title) of the statutes is renumbered 49.37
14 (title) and amended to read:

15 **49.37 (title) Food stamp Supplemental nutrition assistance program**
16 **administration.**

17 ***-1195/2.33* SECTION 1515.** 49.79 (1) (intro.) of the statutes is renumbered
18 49.37 (1) (intro.).

19 ***-1195/2.34* SECTION 1516.** 49.79 (1) (a) of the statutes is renumbered 49.37
20 (1) (a).

21 ***-1195/2.35* SECTION 1517.** 49.79 (1) (c) of the statutes is renumbered 49.37
22 (1) (f) and amended to read:

23 49.37 (1) (f) "~~Food stamp program~~ Supplemental nutrition assistance program"
24 means the federal ~~food stamp~~ supplemental nutrition assistance program under 7
25 USC 2011 to 2036.

1 ***-1195/2.36* SECTION 1518.** 49.79 (1) (f) of the statutes is renumbered 49.37

2 (1) (c).

3 ***-1195/2.37* SECTION 1519.** 49.79 (1) (g) of the statutes is renumbered 49.37

4 (1) (g).

5 ***-1195/2.38* SECTION 1520.** 49.79 (2) of the statutes is renumbered 49.37 (2)

6 and amended to read:

7 49.37 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work
8 requirements of the employment and training program under sub. (9) is ineligible to
9 participate in the ~~food-stamp~~ supplemental nutrition assistance program as
10 specified under sub. (9) (b).

11 ***-1195/2.39* SECTION 1521.** 49.79 (3) (title) of the statutes is renumbered
12 49.37 (3) (title) and amended to read:

13 49.37 (3) (title) LIABILITY FOR ~~LOST-FOOD-COUPONS~~ MISAPPROPRIATED BENEFITS.

14 ***-1019/5.104* SECTION 1522.** 49.79 (3) (a) of the statutes is amended to read:

15 49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable
16 for all food stamp coupons lost, misappropriated, or destroyed while under the
17 ~~county's or~~ tribe's direct control, except as provided in par. (b).

18 ***-1195/2.40* SECTION 1523.** 49.79 (3) (a) of the statutes, as affected by 2011
19 Wisconsin Act (this act), is renumbered 49.37 (3) (a) and amended to read:

20 49.37 (3) (a) A federally recognized American Indian tribe is liable for all ~~food~~
21 ~~stamp coupons lost,~~ supplemental nutrition assistance program benefits that are
22 misappropriated, ~~or destroyed~~ while under the tribe's direct control, except as
23 provided in par. (b).

****NOTE: This is reconciled s. 49.79 (3) (a). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

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1 ***-1019/5.105* SECTION 1524.** 49.79 (3) (b) of the statutes is amended to read:

2 49.79 (3) (b) A ~~county or~~ federally recognized American Indian tribe is not liable
3 for food stamp coupons lost in natural disasters if it provides evidence acceptable to
4 the department that the coupons were destroyed and not redeemed.

5 ***-1195/2.41* SECTION 1525.** 49.79 (3) (b) of the statutes, as affected by 2011
6 Wisconsin Act (this act), is repealed.

 ****NOTE: This is reconciled s. 49.79 (3) (b). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

7 ***-1019/5.106* SECTION 1526.** 49.79 (3) (c) of the statutes is amended to read:

8 49.79 (3) (c) A ~~county or~~ federally recognized American Indian tribe is liable
9 for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and
10 lost in the mail due to incorrect information submitted to the department by the
11 ~~county or~~ tribe.

12 ***-1195/2.42* SECTION 1527.** 49.79 (3) (c) of the statutes, as affected by 2011
13 Wisconsin Act (this act), is renumbered 49.37 (3) (c) and amended to read:

14 49.37 (3) (c) A federally recognized American Indian tribe is liable for ~~food~~
15 ~~stamp coupons mailed~~ supplemental nutrition assistance program benefits
16 incorrectly transferred to members of the tribe ~~and lost in the mail~~ due to incorrect
17 information submitted to the department by the tribe.

 ****NOTE: This is reconciled s. 49.79 (3) (c). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

18 ***-1019/5.107* SECTION 1528.** 49.79 (4) of the statutes is amended to read:

19 49.79 (4) DEDUCTIONS FROM ~~COUNTY~~ INCOME MAINTENANCE PAYMENTS. The
20 department shall withhold the value of food stamp losses for which a ~~county or~~
21 federally recognized American Indian tribe is liable under sub. (3) from the payment

1 to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and
2 reimburse the federal government from the funds withheld.

3 ***-1195/2.43* SECTION 1529.** 49.79 (4) of the statutes, as affected by 2011
4 Wisconsin Act (this act), is renumbered 49.37 (4) and amended to read:

5 49.37 (4) DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department
6 shall withhold the value of ~~food stamp~~ any losses for which a federally recognized
7 American Indian tribe is liable under sub. (3) from the payment to the tribe under
8 ~~income maintenance contracts under s. 49.78~~ contracts for the administration of the
9 supplemental nutrition assistance program and reimburse the federal government
10 from the funds withheld.

****NOTE: This is reconciled s. 49.79 (4). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

11 ***-1195/2.44* SECTION 1530.** 49.79 (5) (title) of the statutes is renumbered
12 49.37 (5) (title).

13 ***-1195/2.45* SECTION 1531.** 49.79 (5) (a) of the statutes is renumbered 49.37
14 (5) (a) and amended to read:

15 49.37 (5) (a) The department shall require an applicant for, or recipient under,
16 the ~~food stamp~~ supplemental nutrition assistance program to state in writing
17 whether the applicant or recipient or any member of the applicant's or recipient's
18 household has been convicted, in any state or federal court of a felony that has as an
19 element possession, use or distribution of a controlled substance. The department
20 shall require an applicant or recipient, or member of the applicant's or recipient's
21 household to submit to a test for use of a controlled substance as a condition of
22 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the
23 date the written statement is made, the applicant or recipient or the member of the

1 applicant's or recipient's household was convicted in any state or federal court of a
2 felony that had as an element possession, use or distribution of a controlled
3 substance. If the test results are positive with respect to any individual, the
4 department may not consider the needs of that individual in determining the
5 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program
6 for at least 12 months from the date of the test. The department shall, however,
7 consider the income and resources of that individual to be available to the household.

8 ***-1195/2.46* SECTION 1532.** 49.79 (5) (b) of the statutes is renumbered 49.37
9 (5) (b).

10 ***-1195/2.47* SECTION 1533.** 49.79 (6) of the statutes is renumbered 49.37 (6)
11 and amended to read:

12 49.37 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the ~~food~~
13 ~~stamp~~ supplemental nutrition assistance program in a month in which that person
14 is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,
15 extended supervision or parole imposed by a state or federal court.

16 ***-1195/2.48* SECTION 1534.** 49.79 (7) of the statutes is renumbered 49.37 (7)
17 and amended to read:

18 49.37 (7) SIMPLIFIED ~~FOOD-STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.
19 The department shall develop a simplified ~~food stamp program~~ supplemental
20 nutrition assistance program that meets all of the requirements under P.L. 104-193,
21 section 854, and shall submit the plan to the secretary of the federal department of
22 agriculture for approval. If the secretary of the federal department of agriculture
23 approves the plan, the department shall submit the plan to the secretary of
24 administration for approval. If the secretary of administration approves the plan,
25 the department may implement the plan.

1 ***-0151/1.1* SECTION 1535.** 49.79 (8) of the statutes is amended to read:

2 49.79 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide
3 benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~
4 ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~
5 ~~approved by the federal department of agriculture. This subsection does not apply,~~
6 except to the extent that federal food stamp benefits for qualified aliens are restored
7 required by the federal government.

8 ***-1195/2.49* SECTION 1536.** 49.79 (8) of the statutes, as affected by 2011
9 Wisconsin Act (this act), is renumbered 49.37 (8) and amended to read:

10 49.37 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide
11 benefits under this section to a qualified alien, except to the extent that federal food
12 stamp supplemental nutrition assistance program benefits for qualified aliens are
13 required by the federal government.

 ****NOTE: This is reconciled s. 49.79 (8). This SECTION has been affected by drafts
 with the following LRB numbers: 0151/1 and 1195/1.

14 ***-1195/2.50* SECTION 1537.** 49.79 (8m) (title) of the statutes is renumbered
15 49.37 (8m) (title).

16 ***-1195/2.51* SECTION 1538.** 49.79 (8m) (a) of the statutes is renumbered 49.37
17 (8m) (a) and amended to read:

18 49.37 (8m) (a) The department shall allow a prisoner who is applying for the
19 ~~food stamp~~ supplemental nutrition assistance program from a correctional
20 institution in anticipation of being released from the institution to use the address
21 of the correctional institution as his or her address on the application.

22 ***-1195/2.52* SECTION 1539.** 49.79 (8m) (b) of the statutes is renumbered 49.37
23 (8m) (b) and amended to read:

SECTION 1539

1 49.37 (8m) (b) The department shall allow an employee of a correctional
2 institution who has been authorized by a prisoner of the institution to act on his or
3 her behalf in matters related to the ~~food stamp~~ supplemental nutrition assistance
4 program to receive and conduct telephone calls on behalf of the prisoner in matters
5 related to the ~~food stamp~~ supplemental nutrition assistance program.

6 *-1195/2.53* SECTION 1540. 49.79 (9) (title) of the statutes is renumbered
7 49.37 (9) (title).

8 *-1019/5.108* SECTION 1541. 49.79 (9) (a) 1. of the statutes is amended to read:
9 49.79 (9) (a) 1. The department shall administer an employment and training
10 program for recipients under the food stamp program and may contract under s.
11 49.78 ~~with county departments under ss. 46.215, 46.22, and 46.23, and~~ with tribal
12 governing bodies to carry out the administrative functions. The department may
13 contract, or a ~~county department or~~ tribal governing body may subcontract, with a
14 Wisconsin Works agency or another provider to administer the employment and
15 training program under this subsection. Except as provided in subds. 2. and 3., the
16 department may require able individuals who are 18 to 60 years of age who are not
17 participants in a Wisconsin Works employment position to participate in the
18 employment and training program under this subsection.

19 *-1195/2.54* SECTION 1542. 49.79 (9) (a) 1. of the statutes, as affected by 2011
20 Wisconsin Act (this act), is renumbered 49.37 (9) (a) 1. and amended to read:

21 49.37 (9) (a) 1. The department shall administer an employment and training
22 program for recipients under the ~~food stamp~~ supplemental nutrition assistance
23 program and may contract ~~under s. 49.78~~ with tribal governing bodies to carry out
24 the administrative functions. The department may contract, or a tribal governing
25 body may subcontract, with a Wisconsin Works agency or another provider to

1 administer the employment and training program under this subsection. Except as
2 provided in subds. 2. and 3., the department may require able individuals who are
3 18 to 60 years of age who are not participants in a Wisconsin Works employment
4 position to participate in the employment and training program under this
5 subsection.

***NOTE: This is reconciled s. 49.79 (9) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

6 ***-1195/2.55* SECTION 1543.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37
7 (9) (a) 2. and amended to read:

8 49.37 (9) (a) 2. The department may not require an individual who is a recipient
9 under the ~~food stamp~~ supplemental nutrition assistance program and who is the
10 caretaker of a child under the age of 12 weeks to participate in any employment and
11 training program under this subsection.

12 ***-1195/2.56* SECTION 1544.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37
13 (9) (a) 3. and amended to read:

14 49.37 (9) (a) 3. The department may not require an individual who is a recipient
15 under the ~~food stamp~~ supplemental nutrition assistance program to participate in
16 any employment and training program under this subsection if that individual is
17 enrolled at least half time in a school, as defined in s. 49.26 (1) (a) 2., a training
18 program, or an institution of higher education.

19 ***-1195/2.57* SECTION 1545.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37
20 (9) (a) 4. and amended to read:

21 49.37 (9) (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance
22 benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works

SECTION 1545

1 employment position under s. 49.147 (4) or (5) shall be calculated based on the
2 pre-sanction benefit amount received s. 49.148.

3 ***-1195/2.58* SECTION 1546.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37
4 (9) (a) 5.

5 ***-1195/2.59* SECTION 1547.** 49.79 (9) (b) (intro.) of the statutes is renumbered
6 49.37 (9) (b) (intro.) and amended to read:

7 49.37 (9) (b) (intro.) An individual who fails to comply with the work
8 requirements under par. (a) without good cause is ineligible to participate in the food
9 stamp supplemental nutrition assistance program as follows:

10 ***-1195/2.60* SECTION 1548.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37
11 (9) (b) 1.

12 ***-1195/2.61* SECTION 1549.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37
13 (9) (b) 2.

14 ***-1195/2.62* SECTION 1550.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37
15 (9) (b) 3.

16 ***-1195/2.63* SECTION 1551.** 49.793 (title) of the statutes is renumbered 49.373
17 (title) and amended to read:

18 **49.373 (title) Recovery of food stamps supplemental nutrition**
19 **assistance program overpayments.**

20 ***-1019/5.109* SECTION 1552.** 49.793 (1) of the statutes is amended to read:

21 49.793 (1) The department ~~or a county~~ or an elected governing body of a
22 federally recognized American Indian tribe or band acting on behalf of the
23 department, may recover overpayments that arise from an overissuance of food
24 coupons under the food stamp program administered under s. ~~46.215 (1) (k) or 46.22~~
25 ~~(1) (b) 2. d~~ 49.78. Recovery shall be made in accordance with 7 USC 2022.

1 ***-1195/2.64* SECTION 1553.** 49.793 (1) of the statutes, as affected by 2011
2 Wisconsin Act (this act), is renumbered 49.373 (1) and amended to read:

3 49.373 (1) The department or an elected governing body of a federally
4 recognized American Indian tribe or band acting on behalf of the department, may
5 recover overpayments that arise from an overissuance of ~~food coupons~~ benefits under
6 the ~~food stamp~~ supplemental nutrition assistance program administered under s.
7 49.78. Recovery shall be made in accordance with 7 USC 2022.

 ***NOTE: This is reconciled s. 49.793 (1). This SECTION has been affected by drafts
 with the following LRB numbers: 1019/4 and 1195/1.

8 ***-1195/2.65* SECTION 1554.** 49.793 (2) of the statutes, as affected by 2011
9 Wisconsin Act (this act), is renumbered 49.373 (2).

 ***NOTE: This is reconciled s. 49.793 (2). This SECTION has been affected by drafts
 with the following LRB numbers: 1019/4 and 1195/1.

10 ***-1019/5.110* SECTION 1555.** 49.793 (2) (a) of the statutes is renumbered
11 49.793 (2) and amended to read:

12 49.793 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a
13 federally recognized American Indian tribe may retain a portion of the amount of an
14 overpayment the state is authorized to retain under 7 USC 2025 that is recovered
15 under sub. (1) due to the efforts of an employee or officer of the county or tribe. The
16 department shall promulgate a rule establishing the portion of the amount of the
17 overpayment that the county or governing body may retain. This ~~paragraph~~
18 subsection does not apply to recovery of an overpayment that was made as a result
19 of state, county, or tribal governing body error.

20 ***-1019/5.111* SECTION 1556.** 49.793 (2) (b) of the statutes is repealed.

21 ***-1195/2.66* SECTION 1557.** 49.795 (title) of the statutes is renumbered 49.375
22 (title) and amended to read:

1 **49.375** (title) **~~Food stamp~~ Supplemental nutrition assistance program**
2 **offenses.**

3 ***-1195/2.67* SECTION 1558.** 49.795 (1) (intro.) of the statutes is renumbered
4 49.375 (1) (intro.).

5 ***-1195/2.68* SECTION 1559.** 49.795 (1) (a) of the statutes is renumbered 49.375
6 (1) (a) and amended to read:

7 49.375 (1) (a) “Eligible person” means a member of a household certified as
8 eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person
9 authorized to represent a certified household under 7 USC 2020 (e) (7).

10 ***-1195/2.69* SECTION 1560.** 49.795 (1) (b) of the statutes is renumbered 49.375
11 (1) (b) and amended to read:

12 49.375 (1) (b) “Food” means items ~~which~~ that may be purchased using ~~food~~
13 ~~coupons~~ supplemental nutrition assistance program benefits under 7 USC 2012 (g)
14 and 2016 (b).

15 ***-1195/2.70* SECTION 1561.** 49.795 (1) (c) of the statutes is renumbered 49.375
16 (1) (c) and amended to read:

17 49.375 (1) (c) “~~Food stamp~~ Supplemental nutrition assistance program” means
18 the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC
19 2011 to ~~2029~~ 2036.

20 ***-1195/2.71* SECTION 1562.** 49.795 (1) (d) of the statutes is renumbered 49.375
21 (1) (d) and amended to read:

22 49.375 (1) (d) “Supplier” means a retail grocery store or other person
23 authorized by the federal department of agriculture to accept ~~food~~ coupons
24 supplemental nutrition assistance program benefits in exchange for food under the
25 ~~food stamp~~ supplemental nutrition assistance program.

1 ***-1195/2.72* SECTION 1563.** 49.795 (1) (e) (intro.) of the statutes is renumbered
2 49.375 (1) (e) (intro.).

3 ***-1019/5.112* SECTION 1564.** 49.795 (1) (e) 1. of the statutes is amended to
4 read:

5 49.795 (1) (e) 1. An employee or officer of the federal government, the state,
6 a county or a federally recognized American Indian tribe acting in the course of
7 official duties in connection with the food stamp program.

8 ***-1195/2.73* SECTION 1565.** 49.795 (1) (e) 1. of the statutes, as affected by 2011
9 Wisconsin Act (this act), is renumbered 49.375 (1) (e) 1. and amended to read:

10 49.375 (1) (e) 1. An employee or officer of the federal government, the state, or
11 a federally recognized American Indian tribe acting in the course of official duties in
12 connection with the food stamp supplemental nutrition assistance program.

 ***NOTE: This is reconciled s. 49.795 (1) (e) 1. This SECTION has been affected by
 drafts with the following LRB numbers: 1019/4 and 1195/1.

13 ***-1019/5.113* SECTION 1566.** 49.795 (1) (e) 2. of the statutes is amended to
14 read:

15 49.795 (1) (e) 2. A person acting in the course of duties under a contract with
16 the federal government, the state, a county or a federally recognized American
17 Indian tribe in connection with the food stamp program.

18 ***-1195/2.74* SECTION 1567.** 49.795 (1) (e) 2. of the statutes, as affected by 2011
19 Wisconsin Act (this act), is renumbered 49.375 (1) (e) 2. and amended to read:

20 49.375 (1) (e) 2. A person acting in the course of duties under a contract with
21 the federal government, the state, or a federally recognized American Indian tribe
22 in connection with the food stamp supplemental nutrition assistance program.

 ***NOTE: This is reconciled s. 49.795 (1) (e) 2. This SECTION has been affected by
 drafts with the following LRB numbers: 1019/4 and 1195/1.

1 ***-1195/2.75* SECTION 1568.** 49.795 (1) (e) 3. of the statutes is renumbered
2 49.375 (1) (e) 3.

3 ***-1195/2.76* SECTION 1569.** 49.795 (1) (e) 4. of the statutes is renumbered
4 49.375 (1) (e) 4.

5 ***-1195/2.77* SECTION 1570.** 49.795 (1) (e) 5. of the statutes is renumbered
6 49.375 (1) (e) 5. and amended to read:

7 49.375 (1) (e) 5. A person authorized to redeem ~~food coupons~~ supplemental
8 nutrition assistance program benefits under 7 USC 2019.

9 ***-1195/2.78* SECTION 1571.** 49.795 (2) of the statutes is renumbered 49.375
10 (2) and amended to read:

11 49.375 (2) No person may misstate or conceal facts in a ~~food stamp~~
12 supplemental nutrition assistance program application or report of income, assets
13 or household circumstances with intent to secure or continue to receive ~~food stamp~~
14 supplemental nutrition assistance program benefits.

15 ***-1195/2.79* SECTION 1572.** 49.795 (2m) of the statutes is renumbered 49.375
16 (2m).

17 ***-1195/2.80* SECTION 1573.** 49.795 (3) of the statutes is renumbered 49.375
18 (3) and amended to read:

19 49.375 (3) No person may knowingly issue ~~food coupons~~ supplemental
20 nutrition assistance program benefits to a person who is not an eligible person or
21 knowingly issue ~~food coupons~~ supplemental nutrition assistance program benefits
22 to an eligible person in excess of the amount for which the person's household is
23 eligible.

24 ***-1195/2.81* SECTION 1574.** 49.795 (4) of the statutes is renumbered 49.375
25 (4) and amended to read:

1 49.375 (4) No eligible person may knowingly transfer ~~food coupons~~
2 supplemental nutrition assistance program benefits except to purchase food from a
3 supplier or knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance
4 program benefits for which the person's household is not eligible.

5 ***-1195/2.82* SECTION 1575.** 49.795 (5) of the statutes is renumbered 49.375
6 (5) and amended to read:

7 49.375 (5) No supplier may knowingly obtain ~~food coupons~~ supplemental
8 nutrition assistance program benefits except as payment for food or knowingly
9 obtain ~~food coupons~~ supplemental nutrition assistance program benefits from a
10 person who is not an eligible person.

11 ***-1195/2.83* SECTION 1576.** 49.795 (6) of the statutes is renumbered 49.375
12 (6) and amended to read:

13 49.375 (6) No unauthorized person may knowingly obtain, possess, transfer,
14 or use ~~food coupons~~ supplemental nutrition assistance program benefits.

15 ***-1195/2.84* SECTION 1577.** 49.795 (7) of the statutes is renumbered 49.375
16 (7) and amended to read:

17 49.375 (7) No person may knowingly alter ~~food coupons~~ supplemental nutrition
18 assistance program benefits.

19 ***-1195/2.85* SECTION 1578.** 49.795 (8) (a) (intro.) of the statutes is renumbered
20 49.375 (8) (a) (intro.).

21 ***-1195/2.86* SECTION 1579.** 49.795 (8) (a) 1. of the statutes is renumbered
22 49.375 (8) (a) 1. and amended to read:

23 49.375 (8) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition
24 assistance program benefits does not exceed \$100, a person who violates this section

1 may be fined not more than \$1,000 or imprisoned not more than one year in the
2 county jail or both.

3 ***-1195/2.87* SECTION 1580.** 49.795 (8) (a) 2. of the statutes is renumbered
4 49.375 (8) (a) 2. and amended to read:

5 49.375 (8) (a) 2. If the value of the ~~food-coupons~~ supplemental nutrition
6 assistance program benefits exceeds \$100, but is less than \$5,000, a person who
7 violates this section is guilty of a Class I felony.

8 ***-1195/2.88* SECTION 1581.** 49.795 (8) (b) (intro.) of the statutes is renumbered
9 49.375 (8) (b) (intro.).

10 ***-1195/2.89* SECTION 1582.** 49.795 (8) (b) 1. of the statutes is renumbered
11 49.375 (8) (b) 1. and amended to read:

12 49.375 (8) (b) 1. If the value of the ~~food-coupons~~ supplemental nutrition
13 assistance program benefits does not exceed \$100, a person who violates this section
14 may be fined not more than \$1,000 or imprisoned not more than one year in the
15 county jail or both.

16 ***-1195/2.90* SECTION 1583.** 49.795 (8) (b) 2. of the statutes is renumbered
17 49.375 (8) (b) 2. and amended to read:

18 49.375 (8) (b) 2. If the value of the ~~food-coupons~~ supplemental nutrition
19 assistance program benefits exceeds \$100, but is less than \$5,000, a person who
20 violates this section is guilty of a Class H felony.

21 ***-1195/2.91* SECTION 1584.** 49.795 (8) (c) of the statutes is renumbered 49.375
22 (8) (c) and amended to read:

23 49.375 (8) (c) For any offense under this section, if the value of the ~~food-coupons~~
24 supplemental nutrition assistance program benefits is \$5,000 or more, a person who
25 violates this section is guilty of a Class G felony.

1 ***-1195/2.92* SECTION 1585.** 49.795 (8) (d) 1. (intro.) of the statutes is
2 renumbered 49.375 (8) (d) 1. (intro.) and amended to read:

3 49.375 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a),
4 (b), or (c), the court shall suspend a person who violates this section from
5 participation in the ~~food stamp~~ supplemental nutrition assistance program as
6 follows:

7 ***-1195/2.93* SECTION 1586.** 49.795 (8) (d) 1. a. of the statutes is renumbered
8 49.375 (8) (d) 1. a.

9 ***-1195/2.94* SECTION 1587.** 49.795 (8) (d) 1. b. of the statutes is renumbered
10 49.375 (8) (d) 1. b.

11 ***-1195/2.95* SECTION 1588.** 49.795 (8) (d) 1. c. of the statutes is renumbered
12 49.375 (8) (d) 1. c.

13 ***-1195/2.96* SECTION 1589.** 49.795 (8) (d) 1m. of the statutes is renumbered
14 49.375 (8) (d) 1m. and amended to read:

15 49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or
16 (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition
17 assistance program a person who has been convicted of an offense under 7 USC 2024
18 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500
19 or more.

20 ***-1019/5.114* SECTION 1590.** 49.795 (8) (d) 2. of the statutes is amended to
21 read:

22 49.795 (8) (d) 2. The person may apply to the ~~county~~ department ~~under s.~~
23 ~~46.215, 46.22 or 46.23~~ or the federally recognized American Indian tribal governing
24 body or, if the person is a supplier, to the federal department of agriculture for
25 reinstatement following the period of suspension, if the suspension is not permanent.

SECTION 1591

***-1195/2.97* SECTION 1591.** 49.795 (8) (d) 2. of the statutes, as affected by 2011 Wisconsin Act (this act), is renumbered 49.375 (8) (d) 2.

****NOTE: This is reconciled s. 49.795 (8) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

***-1195/2.98* SECTION 1592.** 49.795 (8) (e) 1. (intro.) of the statutes is renumbered 49.375 (8) (e) 1. (intro.) and amended to read:

49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition assistance program benefits, the court shall suspend the person from participation in the ~~food stamp~~ supplemental nutrition assistance program as follows:

***-1195/2.99* SECTION 1593.** 49.795 (8) (e) 1. a. of the statutes is renumbered 49.375 (8) (e) 1. a.

***-1195/2.100* SECTION 1594.** 49.795 (8) (e) 1. b. of the statutes is renumbered 49.375 (8) (e) 1. b.

***-1195/2.101* SECTION 1595.** 49.795 (8) (e) 2. of the statutes is renumbered 49.375 (8) (e) 2. and amended to read:

49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the court shall suspend the person permanently from participation in the ~~food stamp~~ supplemental nutrition assistance program.

***-1195/2.102* SECTION 1596.** 49.795 (8) (f) of the statutes is renumbered 49.375 (8) (f) and amended to read:

49.375 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental nutrition assistance program for a period of 10 years a person who fraudulently

1 misstates or misrepresents his or her identity or place of residence for the purpose
2 of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental
3 nutrition assistance program.

4 ***-1195/2.103* SECTION 1597.** 49.797 (title) of the statutes is renumbered
5 49.377 (title).

6 ***-1195/2.104* SECTION 1598.** 49.797 (1) of the statutes is renumbered 49.377
7 (1) and amended to read:

8 49.377 (1) DEFINITION. In this section, “~~food stamp program~~” “supplemental
9 nutrition assistance program” means the federal ~~food stamp~~ supplemental nutrition
10 assistance program under 7 USC 2011 to 2029 2036 or, if the department determines
11 that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a
12 nutrition program that the department determines is a successor to the ~~food stamp~~
13 supplemental nutrition assistance program.

14 ***-1195/2.105* SECTION 1599.** 49.797 (2) (a) of the statutes is renumbered
15 49.377 (2) and amended to read:

16 49.377 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~
17 ~~(8), the~~ The department shall administer a statewide program to deliver ~~food stamp~~
18 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~
19 supplemental nutrition assistance program benefits by an electronic benefit transfer
20 system. All suppliers, as defined in s. ~~49.795 (1)~~ 49.375 (1) (d), may participate in the
21 delivery of ~~food stamp~~ supplemental nutrition assistance program benefits under the
22 electronic benefit transfer system. The department shall explore methods by which
23 nontraditional retailers, such as farmers’ markets, may participate in the delivery
24 of ~~food stamp~~ supplemental nutrition assistance program benefits under the
25 electronic benefit transfer system.

SECTION 1600

1 ***-1195/2.106* SECTION 1600.** 49.797 (2) (b) of the statutes is repealed.

2 ***-1195/2.107* SECTION 1601.** 49.797 (4) of the statutes is renumbered 49.377

3 (4).

4 ***-1195/2.108* SECTION 1602.** 49.797 (5) of the statutes is renumbered 49.377

5 (5).

6 ***-1195/2.109* SECTION 1603.** 49.797 (6) of the statutes is renumbered 49.377

7 (6).

8 ***-1195/2.110* SECTION 1604.** 49.797 (7) of the statutes is renumbered 49.377

9 (7).

10 ***-1019/5.115* SECTION 1605.** 49.797 (8) of the statutes is amended to read:

11 49.797 (8) COUNTY TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION. The
12 department may not require a ~~county or~~ tribal governing body to participate in an
13 electronic benefit transfer system under this section if the costs to the ~~county or~~ tribal
14 governing body would be greater than the costs that the ~~county or~~ tribal governing
15 body would incur in delivering the benefits through a system that is not an electronic
16 benefit transfer system.

17 ***-1195/2.111* SECTION 1606.** 49.797 (8) of the statutes, as affected by 2011
18 Wisconsin Act (this act), is repealed.

 ****NOTE: This is reconciled s. 49.797 (8). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

19 ***-1019/5.116* SECTION 1607.** 49.825 of the statutes, as affected by 2011
20 Wisconsin Act (this act), is repealed.

21 ***-1019/5.117* SECTION 1608.** 49.825 (2) (a) 2. of the statutes is repealed.

22 ***-1019/5.118* SECTION 1609.** 49.83 of the statutes is amended to read:

49.83 Limitation on giving information. Except as provided under ss. 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77, 2009 stats., or s. 49.39 for any purpose not connected with the administration of the programs, except that the department of children and families may disclose such information to the department of revenue for the sole purpose of administering state taxes. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

***-1195/2.112* SECTION 1610.** 49.84 (5) of the statutes is amended to read:

49.84 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19, medical assistance under subch. IV, or ~~food stamp~~ supplemental nutrition assistance program benefits under 7 USC 2011 to ~~2029~~ 2036 shall, as a condition of eligibility, provide a declaration and other verification of citizenship or satisfactory immigration status as required by the department by rule or as required in 42 USC 1320b-7 (d).

***-1019/5.119* SECTION 1611.** 49.845 (1) of the statutes is amended to read:

49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn), the department of health services shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~

SECTION 1611

1 ~~payments for the support of children of supplemental security income recipients~~
2 ~~under s. 49.775, and health care benefits under the Badger Care health care program~~
3 ~~under s. 49.665 and, if the department of children and families contracts with the~~
4 ~~department of health services under sub. (4), on the part of recipients of aid to~~
5 ~~families with dependent children under s. 49.19, supplemental security income~~
6 ~~payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children~~
7 ~~of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,~~
8 ~~and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The~~
9 ~~activities of the department of health services under this subsection may include~~
10 ~~comparisons of information provided to the department by an applicant and~~
11 ~~information provided by the applicant to other federal, state, and local agencies,~~
12 ~~development of an advisory welfare investigation prosecution standard, and~~
13 ~~provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to~~
14 ~~Wisconsin Works agencies to encourage activities to detect fraud. The department~~
15 ~~of health services shall cooperate with district attorneys regarding fraud~~
16 ~~prosecutions.~~

17 ***-1195/2.113* SECTION 1612.** 49.845 (1) of the statutes, as affected by
18 Wisconsin Act (this act), is amended to read:

19 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
20 (bn), (kz), (L), and (nn), the department of health services shall establish a program
21 to investigate suspected fraudulent activity on the part of recipients of medical
22 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~
23 ~~7 USC 2011 to 2036,~~ and health care benefits under the Badger Care health care
24 program under s. 49.665 and, if the department of children and families contracts
25 with the department of health services under sub. (4), on the part of recipients of aid

1 to families with dependent children under s. 49.19, supplemental security income
2 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children
3 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,
4 recipients of benefits under the supplemental nutrition assistance program under 7
5 USC 2011 to 2036, and participants in the Wisconsin Works program under ss.
6 49.141 to 49.161. The activities of the department of health services under this
7 subsection may include comparisons of information provided to the department by
8 an applicant and information provided by the applicant to other federal, state, and
9 local agencies, development of an advisory welfare investigation prosecution
10 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
11 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
12 department of health services shall cooperate with district attorneys regarding fraud
13 prosecutions.

****NOTE: This is reconciled s. 49.845 (1). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

14 ***-1019/5.120* SECTION 1613.** 49.845 (2) of the statutes is amended to read:
15 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
16 services shall conduct activities to reduce payment errors in the Medical Assistance
17 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, ~~the~~
18 ~~supplemental security income payments program under s. 49.77, the program~~
19 ~~providing payments for the support of children of supplemental security income~~
20 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~
21 and, if the department of children and families contracts with the department of
22 health services under sub. (4), in the supplemental security income payments
23 program under s. 49.39, the program providing payments for the support of children

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1 of supplemental security income recipients under s. 49.395, and Wisconsin Works
2 under ss. 49.141 to 49.161.

3 ***-1195/2.114* SECTION 1614.** 49.845 (2) of the statutes, as affected by 2011
4 Wisconsin Act (this act), is amended to read:

5 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
6 services shall conduct activities to reduce payment errors in the Medical Assistance
7 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036,~~ and
8 the Badger Care health care program under s. 49.665 and, if the department of
9 children and families contracts with the department of health services under sub. (4),
10 in the supplemental security income payments program under s. 49.39, the program
11 providing payments for the support of children of supplemental security income
12 recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to 49.161, and the
13 supplemental nutrition assistance program under 7 USC 2011 to 2036.

****NOTE: This is reconciled s. 49.845 (2). This SECTION has been affected by drafts
with the following LRB numbers: 1019/4 and 1195/1.

14 ***-1019/5.121* SECTION 1615.** 49.845 (4) (title) of the statutes is amended to
15 read:

16 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
17 INCOME, AND CARETAKER SUPPLEMENT.

18 ***-1195/2.115* SECTION 1616.** 49.845 (4) (title) of the statutes, as affected by
19 2011 Wisconsin Act (this act), is amended to read:

20 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY
21 INCOME, ~~AND~~ CARETAKER SUPPLEMENT, AND THE SUPPLEMENTAL NUTRITION ASSISTANCE
22 PROGRAM.

****NOTE: This is reconciled s. 49.845 (4) (title). This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

1 ***-1019/5.122* SECTION 1617.** 49.845 (4) (a) 1. of the statutes is amended to
2 read:

3 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
4 children and families may contract with the department of health services to
5 investigate suspected fraudulent activity on the part of recipients of aid to families
6 with dependent children under s. 49.19, recipients of supplemental security income
7 payments under s. 49.39, recipients of payments for the support of children of
8 supplemental security income recipients under s. 49.395, and participants in
9 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce
10 payment errors in the supplemental security income payments program under s.
11 49.39, the program providing payments for the support of children of supplemental
12 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to
13 49.161, as provided in this section. If any employee of the department of health
14 services reasonably suspects that fraudulent activity as described in this subdivision
15 has occurred or is occurring, the employee shall immediately report the facts and
16 circumstances contributing to that suspicion to the employee's immediate
17 supervisor.

18 ***-1195/2.116* SECTION 1618.** 49.845 (4) (a) 1. of the statutes, as affected by
19 2011 Wisconsin Act (this act), is amended to read:

20 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of
21 children and families may contract with the department of health services to
22 investigate suspected fraudulent activity on the part of recipients of aid to families
23 with dependent children under s. 49.19, recipients of supplemental security income
24 payments under s. 49.39, recipients of payments for the support of children of
25 supplemental security income recipients under s. 49.395, recipients of benefits under

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1 the supplemental nutrition assistance program under 7 USC 2011 to 2036, and
2 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities
3 to reduce payment errors in the supplemental security income payments program
4 under s. 49.39, the program providing payments for the support of children of
5 supplemental security income recipients under s. 49.395, the supplemental
6 nutrition assistance program under 7 USC 2011 to 2036, and Wisconsin Works under
7 ss. 49.141 to 49.161, as provided in this section. If any employee of the department
8 of health services reasonably suspects that fraudulent activity as described in this
9 subdivision has occurred or is occurring, the employee shall immediately report the
10 facts and circumstances contributing to that suspicion to the employee's immediate
11 supervisor.

****NOTE: This is reconciled s. 49.845 (4) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1195/1.

12 ***-1195/2.117* SECTION 1619.** 49.847 (1) of the statutes is amended to read:
13 49.847 (1) Subject to ~~ss. s.~~ s. 49.497 (1) ~~and 49.793 (1)~~, the department of health
14 services, or a county or elected governing body of a federally recognized American
15 Indian tribe or band acting on behalf of the department, may recover benefits
16 incorrectly paid under any of the programs administered by the department under
17 this chapter.

18 ***-1195/2.118* SECTION 1620.** 49.847 (2) of the statutes is amended to read:
19 49.847 (2) The department, county, or elected governing body may recover an
20 overpayment from a family or individual who continues to receive benefits under any
21 program administered by the department under this chapter by reducing the
22 family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department
23 may by rule specify other methods for recovering incorrectly paid benefits.

1 ***-1195/2.119* SECTION 1621.** 49.847 (3) of the statutes, as affected by 2011
2 Wisconsin Act (this act), is amended to read:

3 49.847 (3) (a) Subject to ~~ss. s.~~ s. 49.497 (2) ~~and 49.793 (2)~~, a county or elected
4 governing body may retain a portion of an amount recovered under this section due
5 to the efforts of an employee or officer of the county, tribe, or band, as provided by the
6 department by rule.

 ****NOTE: This is reconciled s. 49.847 (3). This SECTION has been affected by drafts
 with the following LRB numbers: 1019/4 and 1195/1.

7 ***-1019/5.123* SECTION 1622.** 49.847 (3) (a) of the statutes is renumbered
8 49.847 (3) and amended to read:

9 49.847 (3) Subject to ss. 49.497 (2) and 49.793 (2), ~~and except as provided in par.~~
10 ~~(b)~~, a county or elected governing body may retain a portion of an amount recovered
11 under this section due to the efforts of an employee or officer of the county, tribe, or
12 band, as provided by the department by rule.

13 ***-1019/5.124* SECTION 1623.** 49.847 (3) (b) of the statutes is repealed.

14 ***-1195/2.120* SECTION 1624.** 49.85 (1) of the statutes is amended to read:

15 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
16 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
17 Indian tribe or band determines that the department of health services may recover
18 an amount under s. 49.497, ~~49.793~~, or 49.847, or that the department of children and
19 families may recover an amount under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect
20 an amount under s. 49.147 (6) (cm), the county department or governing body shall
21 notify the affected department of the determination. If a Wisconsin Works agency
22 determines that the department of children and families may recover an amount
23 under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm),

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1 the Wisconsin Works agency shall notify the department of children and families of
2 the determination.

3 ***-1195/2.121* SECTION 1625.** 49.85 (2) (a) (intro.) of the statutes is amended
4 to read:

5 49.85 (2) (a) (intro.) At least annually, the department of health services shall
6 certify to the department of revenue the amounts that, based on the notifications
7 received under sub. (1) and on other information received by the department of
8 health services, the department of health services has determined that it may
9 recover under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, except that the
10 department of health services may not certify an amount under this subsection
11 unless all of the following apply:

12 ***-1195/2.122* SECTION 1626.** 49.85 (2) (b) of the statutes is amended to read:

13 49.85 (2) (b) At least annually, the department of children and families shall
14 certify to the department of revenue the amounts that, based on the notifications
15 received under sub. (1) and on other information received by the department of
16 children and families, the department of children and families has determined that
17 it may recover under ~~ss. s.~~ 49.161, and 49.195 (3) ~~and, or 49.373 or~~ collect under s.
18 49.147 (6) (cm), except that the department of children and families may not certify
19 an amount under this subsection unless it has met the notice requirements under
20 sub. (3) and unless its determination has either not been appealed or is no longer
21 under appeal.

22 ***-1195/2.123* SECTION 1627.** 49.85 (3) (a) 1. of the statutes is amended to read:

23 49.85 (3) (a) 1. Inform the person that the department of health services
24 intends to certify to the department of revenue an amount that the department of

health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, for setoff from any state tax refund that may be due the person.

***-1195/2.124* SECTION 1628.** 49.85 (3) (b) 1. of the statutes is amended to read:

49.85 (3) (b) 1. Inform the person that the department of children and families intends to certify to the department of revenue an amount that the department of children and families has determined to be due under s. 49.161 ~~or~~, 49.195 (3), or 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

***-1465/P4.339* *-0808/2.204* SECTION 1629.** 49.857 (1) (c) of the statutes is amended to read:

49.857 (1) (c) "Credentialing board" means a board, examining board or affiliated credentialing board in the department of ~~regulation and licensing~~ safety and professional services that grants a credential.

***-1465/P4.340* *-0808/2.205* SECTION 1630.** 49.857 (2) (b) 1. of the statutes is amended to read:

49.857 (2) (b) 1. The circumstances under which the licensing authority or the licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew or revalidate a license and guidelines for determining the appropriate action to take. The memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include the circumstances under which the department of ~~regulation and licensing~~ safety and professional services shall direct a credentialing board to restrict, limit, suspend, withhold, deny or refuse to grant a credential and guidelines for determining the appropriate action to take. The guidelines under this subdivision for determining the appropriate action to take shall require the consideration of

1 whether the action is likely to have an adverse effect on public health, safety or
2 welfare or on the environment, and of whether the action is likely to adversely affect
3 individuals other than the individual holding or applying for the license, such as
4 employees of that individual.

5 ***-1465/P4.341* *-0808/2.206* SECTION 1631.** 49.857 (2) (b) 2. a. of the
6 statutes is amended to read:

7 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
8 delinquency in support or a failure to comply with a subpoena or warrant. The
9 memorandum of understanding with the department of ~~regulation and licensing~~
10 safety and professional services shall include procedures for the department of
11 ~~regulation and licensing~~ safety and professional services to notify a credentialing
12 board that a certification of delinquency in support or failure to comply with a
13 subpoena or warrant has been made by the department of children and families with
14 respect to an individual who holds or applied for a credential granted by the
15 credentialing board.

16 ***-1465/P4.342* *-0808/2.207* SECTION 1632.** 49.857 (2) (b) 2. c. of the statutes
17 is amended to read:

18 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an
19 individual has paid delinquent support or made satisfactory alternative payment
20 arrangements or satisfied the requirements under a subpoena or warrant. The
21 memorandum of understanding with the department of ~~regulation and licensing~~
22 safety and professional services shall include procedures for the department of
23 ~~regulation and licensing~~ safety and professional services to notify a credentialing
24 board that an individual who holds or applied for a credential granted by the

1 credentialing board has paid delinquent support or made satisfactory alternative
2 payment arrangements or satisfied the requirements under a subpoena or warrant.

3 ***-1465/P4.343* *-0808/2.208* SECTION 1633.** 49.857 (2) (b) 3. a. of the
4 statutes is amended to read:

5 49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,
6 refusing to grant or issue or refusing to renew or revalidate a license. The
7 memorandum of understanding with the department of ~~regulation and licensing~~
8 safety and professional services shall include procedures for the department of
9 ~~regulation and licensing~~ safety and professional services to direct a credentialing
10 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

11 ***-1465/P4.344* *-0808/2.209* SECTION 1634.** 49.857 (2) (b) 3. c. of the statutes
12 is amended to read:

13 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children
14 and families notifies the licensing authority or licensing agency that an individual
15 who was delinquent in making court-ordered payments of support has paid the
16 delinquent support or made satisfactory alternative payment arrangements or that
17 an individual who failed to comply with a subpoena or warrant has satisfied the
18 requirements under the subpoena or warrant. The memorandum of understanding
19 with the department of ~~regulation and licensing~~ safety and professional services
20 shall include procedures for the department of ~~regulation and licensing~~ safety and
21 professional services to direct a credentialing board to grant or reinstate a credential
22 if the department of children and families notifies the department of ~~regulation and~~
23 ~~licensing~~ safety and professional services that an individual who holds or applied for
24 a credential granted by the credentialing board has paid the delinquent support or
25 made satisfactory alternative payment arrangements or that an individual who

1 failed to comply with a subpoena or warrant has satisfied the requirements under
2 the subpoena or warrant.

3 ***-1465/P4.345* *-0808/2.210* SECTION 1635.** 49.857 (3) (a) 1. of the statutes
4 is amended to read:

5 49.857 (3) (a) 1. That a certification of delinquency in paying support will be
6 made to a licensing authority, a licensing agency or, with respect to a credential
7 granted by a credentialing board, the department of ~~regulation and licensing~~ safety
8 and professional services.

9 ***-1465/P4.346* *-0808/2.211* SECTION 1636.** 49.857 (3) (am) 1. of the statutes
10 is amended to read:

11 49.857 (3) (am) 1. That the individual's name has been placed on a certification
12 list, which will be provided to a licensing authority, a licensing agency or, with respect
13 to a credential granted by a credentialing board, the department of ~~regulation and~~
14 ~~licensing~~ safety and professional services.

15 ***-1465/P4.347* *-0808/2.212* SECTION 1637.** 49.857 (3) (b) 1. of the statutes
16 is amended to read:

17 49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena
18 or warrant will be made to a licensing authority, a licensing agency or, with respect
19 to a credential granted by a credentialing board, the department of ~~regulation and~~
20 ~~licensing~~ safety and professional services.

21 ***-1465/P4.348* *-0808/2.213* SECTION 1638.** 49.857 (3) (c) (intro.) of the
22 statutes is amended to read:

23 49.857 (3) (c) (intro.) If the department of children and families provides a
24 certification list to a licensing authority, a licensing agency or, with respect to a
25 credential granted by a credentialing board, the department of ~~regulation and~~

1 licensing safety and professional services, upon receipt of the list the licensing
2 authority if the licensing authority agrees, the licensing agency or, with respect to
3 a credential granted by a credentialing board, the department of ~~regulation and~~
4 licensing safety and professional services shall do all of the following:

5 ***-1465/P4.349* *-0808/2.214* SECTION 1639.** 49.857 (3) (d) 1. of the statutes
6 is amended to read:

7 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
8 delinquent support, is denied a license or whose license, on the basis of delinquent
9 support, is restricted, limited, suspended, or refused renewal or revalidation under
10 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
11 amount of support in full or makes satisfactory alternative payment arrangements,
12 the department of children and families shall immediately notify the licensing
13 authority or licensing agency to issue or reinstate the individual's license as provided
14 in the memorandum of understanding. If the individual held or applied for a
15 credential granted by a credentialing board, the department of ~~regulation and~~
16 licensing safety and professional services shall, upon notice by the department of
17 children and families, notify the credentialing board to grant or reinstate the
18 individual's credential.

19 ***-1465/P4.350* *-0808/2.215* SECTION 1640.** 49.857 (3) (d) 2. of the statutes
20 is amended to read:

21 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
22 failure to comply with a subpoena or warrant, is denied a license or whose license,
23 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
24 suspended, or refused renewal or revalidation under a memorandum of
25 understanding entered into under sub. (2) (b) satisfies the requirements under the

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1 subpoena or warrant, the department of children and families shall immediately
2 notify the licensing authority or licensing agency to issue or reinstate the individual's
3 license as provided in the memorandum of understanding. If the individual held or
4 applied for a credential granted by a credentialing board, the department of
5 ~~regulation and licensing~~ safety and professional services shall, upon notice by the
6 department of children and families, notify the credentialing board to grant or
7 reinstate the individual's credential.

8 ***-1465/P4.351* *-0808/2.216* SECTION 1641.** 49.857 (4) of the statutes is
9 amended to read:

10 49.857 (4) Each licensing agency shall enter into a memorandum of
11 understanding with the department of children and families under sub. (2) (b) and
12 shall cooperate with the department of children and families in its administration
13 of s. 49.22. The department of ~~regulation and licensing~~ safety and professional
14 services shall enter into a memorandum of understanding with the department of
15 children and families on behalf of a credentialing board with respect to a credential
16 granted by the credentialing board.

17 ***-1019/5.125* SECTION 1642.** 49.89 (7) (a) of the statutes is amended to read:
18 49.89 (7) (a) ~~Except as provided in par. (f), any~~ Any county or elected tribal
19 governing body that has made a recovery under this section shall receive an incentive
20 payment from the sum recovered as provided under this subsection.

21 ***-1019/5.126* SECTION 1643.** 49.89 (7) (bm) of the statutes is amended to read:
22 49.89 (7) (bm) The incentive payment shall be an amount equal to 15% of the
23 amount recovered because of benefits paid as state supplemental payments under
24 s. 49.77, 2009 stats., or s. 49.39. The incentive payment shall be taken from the state
25 share of the sum recovered.

1 ***-1019/5.127* SECTION 1644.** 49.89 (7) (f) of the statutes is repealed.

2 ***-1019/5.128* SECTION 1645.** 49.90 (1) (b) of the statutes is amended to read:

3 49.90 (1) (b) For purposes of this section those persons receiving benefits under
4 federal Title XVI or under s. ~~49.77~~ 49.39 shall not be deemed dependent persons.

5 ***-1195/2.125* SECTION 1646.** 49.95 (4m) (a) of the statutes is amended to read:

6 49.95 (4m) (a) Without legal authority, sends or brings a person to a county,
7 tribal governing body, or municipality or advises a person to go to a county, tribal
8 governing body, or municipality for the purpose of obtaining relief funded by a relief
9 block grant, benefits under the Wisconsin ~~works~~ Works program under ss. 49.141 to
10 49.161, aid to families with dependent children under s. 49.19, medical assistance
11 under subch. IV, or ~~food stamps~~ benefits under the supplemental nutrition
12 assistance program under 7 USC 2011 to ~~2029~~ 2036.

13 ***-1019/5.129* SECTION 1647.** 49.96 of the statutes is amended to read:

14 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
15 dependent children, payments made under ss. 48.57 (3m) or (3n), 49.148 (1) (b) 1. or
16 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
17 by counties under s. 59.53 (21), and benefits under s. ~~49.77~~ 49.39 or federal Title XVI,
18 are exempt from every tax, and from execution, garnishment, attachment and every
19 other process and shall be inalienable.

20 ***-0241/4.6* SECTION 1648.** 50.01 (1) (c) of the statutes is repealed.

21 ***-1465/P4.352* *-0805/P2.18* SECTION 1649.** 50.01 (1g) (c) of the statutes is
22 amended to read:

23 50.01 (1g) (c) A shelter facility as defined under s. ~~560.9808~~ 234.5608 (1) (d).

24 ***-1465/P4.353* *-0808/2.217* SECTION 1650.** 50.02 (1) of the statutes is
25 amended to read:

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1 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
2 statewide licensing, inspection, and regulation of community-based residential
3 facilities and nursing homes as provided in this subchapter. The department shall
4 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
5 ~~50.031~~ and s. 50.032 and shall license adult family homes, as specified under s.
6 50.033. Nothing in this subchapter may be construed to limit the authority of the
7 department of ~~commerce~~ safety and professional services or of municipalities to set
8 standards of building safety and hygiene, but any local orders of municipalities shall
9 be consistent with uniform, statewide regulation of community-based residential
10 facilities. The department may not prohibit any nursing home from distributing
11 over-the-counter drugs from bulk supply. The department may consult with
12 nursing homes as needed and may provide specialized consultations when requested
13 by any nursing home, separate from its inspection process, to scrutinize any
14 particular questions the nursing home raises. The department shall, by rule, define
15 “specialized consultation”.

 ***NOTE: This is reconciled s. 50.02 (1). This SECTION has been affected by drafts
 with the following LRB numbers: LRB-0241/3 and LRB-1465/P3.

16 ***-1465/P4.354* *-0808/2.218* SECTION 1651.** 50.02 (2) (a) of the statutes is
17 amended to read:

18 50.02 (2) (a) The department, by rule, shall develop, establish and enforce
19 regulations and standards for the care, treatment, health, safety, rights, welfare and
20 comfort of residents in community-based residential facilities and nursing homes
21 and for the construction, general hygiene, maintenance and operation of those
22 facilities which, in the light of advancing knowledge, will promote safe and adequate
23 accommodation, care and treatment of residents in those facilities; and promulgate

and enforce rules consistent with this section. Such standards and rules shall provide that intermediate care facilities, which have 16 or fewer beds may, if exempted from meeting certain physical plant, staffing and other requirements of the federal regulations, be exempted from meeting the corresponding provisions of the department's standards and rules. The department shall consult with the department of ~~commerce~~ safety and professional services when developing exemptions relating to physical plant requirements.

***-1019/5.130* SECTION 1652.** 50.03 (14) (b) of the statutes is amended to read:

50.03 (14) (b) The county departments of the county in which the facility is located that are responsible for providing services under s. 46.215 (1) (L), ~~46.22 (1) (b) 1. e.~~ 46.22 (1) (b) 2. h., 51.42 or 51.437 shall participate in the development and implementation of individual relocation plans. Any county department of another county shall participate in the development and implementation of individual relocation plans in place of the county departments of the county in which the facility is located, if the county department accepts responsibility for the resident or is delegated responsibility for the resident by the department or by a court.

***-0241/4.7* SECTION 1653.** 50.031 of the statutes is repealed.

***-1465/P4.355* *-0808/2.219* SECTION 1654.** 50.035 (2) (a) 3. of the statutes is amended to read:

50.035 (2) (a) 3. The department or the department of ~~commerce~~ safety and professional services may waive the requirement under subd. 1. or 2. for a community-based residential facility that has a smoke detection or sprinkler system in place that is at least as effective for fire protection as the type of system required under the relevant subdivision.

1 ***-1465/P4.356* *-0808/2.220* SECTION 1655.** 50.035 (2) (b) (intro.) of the
2 statutes is amended to read:

3 50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails
4 to receive the approval of the department or of the department of ~~commerce~~ safety
5 and professional services. At least one smoke detector shall be located at each of the
6 following locations:

7 ***-1019/5.131* SECTION 1656.** 50.037 (3) of the statutes is amended to read:

8 50.037 (3) EXEMPTION. Community-based residential facilities where the total
9 monthly charges for each resident do not exceed the monthly state supplemental
10 payment rate under s. ~~49.77 (3s)~~ 49.39 (3s) that is in effect at the time the fee under
11 sub. (2) is assessed are exempt from this section.

12 ***-1465/P4.357* *-0808/2.221* SECTION 1657.** 50.065 (2) (am) 3. of the statutes
13 is amended to read:

14 50.065 (2) (am) 3. Information maintained by the department of ~~regulation and~~
15 ~~licensing~~ safety and professional services regarding the status of the person's
16 credentials, if applicable.

17 ***-1465/P4.358* *-0808/2.222* SECTION 1658.** 50.065 (2) (b) 3. of the statutes
18 is amended to read:

19 50.065 (2) (b) 3. Information maintained by the department of ~~regulation and~~
20 ~~licensing~~ safety and professional services regarding the status of the person's
21 credentials, if applicable.

22 ***-1465/P4.359* *-0808/2.223* SECTION 1659.** 50.065 (4m) (a) 5. of the statutes
23 is amended to read:

24 50.065 (4m) (a) 5. That, in the case of a position for which the person must be
25 credentialed by the department of ~~regulation and licensing~~ safety and professional

1 services, the person's credential is not current or is limited so as to restrict the person
2 from providing adequate care to a client.

3 ***-1465/P4.360* *-0808/2.224* SECTION 1660.** 50.065 (4m) (b) 5. of the statutes
4 is amended to read:

5 50.065 (4m) (b) 5. That, in the case of a position for which the person must be
6 credentialed by the department of ~~regulation and licensing~~ safety and professional
7 services, the person's credential is not current or is limited so as to restrict the person
8 from providing adequate care to a client.

9 ***-1465/P4.361* *-0808/2.225* SECTION 1661.** 50.36 (1) of the statutes is
10 amended to read:

11 50.36 (1) The department shall promulgate, adopt, amend and enforce such
12 rules and standards for hospitals for the construction, maintenance and operation
13 of the hospitals deemed necessary to provide safe and adequate care and treatment
14 of the patients in the hospitals and to protect the health and safety of the patients
15 and employees; and nothing contained herein shall pertain to a person licensed to
16 practice medicine and surgery or dentistry. The building codes and construction
17 standards of the department of ~~commerce~~ safety and professional services shall
18 apply to all hospitals and the department may adopt additional construction codes
19 and standards for hospitals, provided they are not lower than the requirements of
20 the department of ~~commerce~~ safety and professional services. Except for the
21 construction codes and standards of the department of ~~commerce~~ safety and
22 professional services and except as provided in s. 50.39 (3), the department shall be
23 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

24 ***-1465/P4.362* *-0808/2.226* SECTION 1662.** 50.36 (6) of the statutes is
25 amended to read:

1 50.36 (6) If the department receives a credible complaint that a pharmacy
2 located in a hospital has violated its duty to dispense contraceptive drugs and devices
3 under s. 450.095 (2), the department shall refer the complaint to the department of
4 ~~regulation and licensing~~ safety and professional services.

5 ***-1187/P5.375* SECTION 1663.** 50.38 (10) of the statutes is amended to read:

6 50.38 (10) In each state fiscal year, the secretary of administration shall
7 transfer from the critical access hospital assessment fund to the Medical Assistance
8 trust fund an amount equal to the amount collected under sub. (2) (b) minus the state
9 share of the amount required to be expended under s. 49.45 (3) (e) 12., minus the
10 amounts appropriated under ~~s. ss. 20.280 (1) (qe) and (qj) and 20.285 (1) (qe) and (qj)~~,
11 and minus any refunds paid to critical access hospitals from the critical access
12 hospital assessment fund under sub. (6m) (a) in that fiscal year.

13 ***-0279/1.1* SECTION 1664.** 51.03 (6) of the statutes is repealed.

14 ***-1465/P4.363* *-0805/P2.19* SECTION 1665.** 51.35 (5) of the statutes is
15 amended to read:

16 51.35 (5) RESIDENTIAL LIVING ARRANGEMENTS; TRANSITIONARY SERVICES. The
17 department and any person, director, or board authorized to discharge or transfer
18 patients under this section shall ensure that a proper residential living arrangement
19 and the necessary transitionary services are available and provided for the patient
20 being discharged or transferred. Under this subsection, a proper residential living
21 arrangement may not include a shelter facility, as defined under s. ~~560.9808~~
22 234.5608 (1) (d), unless the discharge or transfer to the shelter facility is made on an
23 emergency basis for a period not to exceed 10 days.

24 ***-1324/P1.5* SECTION 1666.** 51.42 (3) (a) of the statutes is amended to read: